

**REPORT OF THE AUDIT OF THE
LIVINGSTON COUNTY
CLERK**

**For The Year Ended
December 31, 2009**



**CRIT LUALLEN
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EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE LIVINGSTON COUNTY CLERK

**For The Year Ended
December 31, 2009**

The Auditor of Public Accounts has completed the Livingston County Clerk's audit for the year ended December 31, 2009. Based upon the audit work performed, the financial statement presents fairly in all material respects, the revenues, expenditures, and excess fees in conformity with the regulatory basis of accounting.

Financial Condition:

Excess fees decreased by \$8,938 from the prior year, resulting in excess fees of \$89,605 as of December 31, 2009. Revenues decreased by \$134,214 from the prior year and expenditures decreased by \$125,276.

Report Comments:

2009-01 The County Clerk Did Not Close Out 2008 Fees As Determined By Audit
2009-02 The County Clerk's Office Lacks Adequate Segregation Of Duties

Deposits:

The County Clerk's deposits were insured and collateralized by bank securities.

CONTENTS

PAGE

INDEPENDENT AUDITOR'S REPORT	1
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS	3
NOTES TO FINANCIAL STATEMENT	6
REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS	11
COMMENTS AND RECOMMENDATIONS	15



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Christopher Lasher, Livingston County Judge/Executive
The Honorable Carroll Walker, Livingston County Clerk
Members of the Livingston County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues, expenditures, and excess fees - regulatory basis of the County Clerk of Livingston County, Kentucky, for the year ended December 31, 2009. This financial statement is the responsibility of the County Clerk. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Clerk's office prepares the financial statement on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the revenues, expenditures, and excess fees of the County Clerk for the year ended December 31, 2009, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated August 6, 2010 on our consideration of the Livingston County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable Christopher Lasher, Livingston County Judge/Executive
The Honorable Carroll Walker, Livingston County Clerk
Members of the Livingston County Fiscal Court

Based on the results of our audit, we have presented the accompanying comments and recommendations, included herein, which discusses the following report comments:

2009-01 The County Clerk Did Not Close Out 2008 Fees As Determined By Audit
2009-02 The County Clerk's Office Lacks Adequate Segregation Of Duties

This report is intended solely for the information and use of the County Clerk and Fiscal Court of Livingston County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

August 6, 2010

LIVINGSTON COUNTY
 CARROLL WALKER, COUNTY CLERK
STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS

For The Year Ended December 31, 2009

Revenues

State Grants		\$	40
State Fees For Services			4,469
Fiscal Court			2,411
Revenue Supplement			57,376
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$	418,070	
Usage Tax		544,096	
Tangible Personal Property Tax		656,900	
Ad Valorem Liens		5,600	
Other-			
Fish and Game Licenses		6,565	
Marriage License		2,379	
Deed Transfer Tax		21,776	
Delinquent Tax		92,953	1,748,339
			<hr/>
Fees Collected for Services:			
Recordings-			
Deeds, Easements, and Contracts		7,854	
Real Estate Mortgages		17,156	
Chattel Mortgages and Financing Statements		21,722	
Powers of Attorney		1,183	
All Other Recordings		16,992	
Charges for Other Services-			
Candidate Filing Fees		700	
Copywork		4,311	69,918
			<hr/>
Other:			
Miscellaneous			6,353
Interest Earned			<hr/> 73
Total Revenues			1,888,979

The accompanying notes are an integral part of this financial statement.

LIVINGSTON COUNTY
 CARROLL WALKER, COUNTY CLERK
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2009
 (Continued)

Expenditures

Payments to State:

Motor Vehicle-

Licenses and Transfers \$ 322,616

Usage Tax 527,773

Tangible Personal Property Tax 295,371

Licenses, Taxes, and Fees-

Fish and Game Licenses 6,417

Delinquent Tax 21,963

Legal Process Tax 7,859

Affordable Housing Trust 11,784 \$ 1,193,783

Payments to Fiscal Court:

Tangible Personal Property Tax 100,527

Delinquent Tax 10,745

Deed Transfer Tax 20,687 131,959

Payments to Other Districts:

Tangible Personal Property Tax 235,365

Delinquent Tax 33,024 268,389

Payments to Sheriff 935

Payments to County Attorney 14,537

Operating Expenditures:

Personnel Services-

Deputies' Salaries 81,482

Part-Time Salaries 17,917

Contracted Services-

Printing and Binding 1,748

Computer Service 7,364

Materials and Supplies-

Office Supplies 779

The accompanying notes are an integral part of this financial statement.

LIVINGSTON COUNTY
 CARROLL WALKER, COUNTY CLERK
 STATEMENT OF REVENUES, EXPENDITURES, AND EXCESS FEES - REGULATORY BASIS
 For The Year Ended December 31, 2009
 (Continued)

Expenditures (Continued)

Operating Expenditures: (Continued)

Other Charges-

Conventions and Travel	\$	1,752	
Dues		300	
Postage		171	
Miscellaneous		2,334	\$ 113,847

Total Expenditures			\$ 1,723,450
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Net Revenues			165,529
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Less: Statutory Maximum			68,796
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Excess Fees			96,733
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Less: Expense Allowance		3,600	
Training Incentive Benefit		3,528	7,128

Excess Fees Due County for 2009			89,605
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Payment to Fiscal Court - March 22, 2010			89,568
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Balance Due Fiscal Court at Completion of Audit			\$ 37
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The accompanying notes are an integral part of this financial statement.

LIVINGSTON COUNTY
NOTES TO FINANCIAL STATEMENT

December 31, 2009

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount, including excess fees, due from the County Clerk as determined by the audit. KRS 64.152 requires the County Clerk to settle excess fees with the fiscal court by March 15 each year.

The financial statement has been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting, revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive), at December 31 that may be included in the excess fees calculation:

- Interest receivable
- Collection on accounts due from others for 2009 services
- Reimbursements for 2009 activities
- Payments due other governmental entities for December tax and fee collections and payroll
- Payments due vendors for goods or services provided in 2009

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

LIVINGSTON COUNTY
NOTES TO FINANCIAL STATEMENT
December 31, 2009
(Continued)

Note 2. Employee Retirement System

The county official and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost-sharing, multiple-employer, defined benefit pension plan that covers all eligible full-time employees and provides for retirement, disability, and death benefits to plan members. Benefit contributions and provisions are established by statute.

Nonhazardous covered employees are required to contribute 5 percent of their salary to the plan. Nonhazardous covered employees who begin participation on or after September 1, 2008 are required to contribute 6 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 13.50 percent for the first six months and 16.16 percent for the last six months of the year.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Nonhazardous employees who begin participation on or after September 1, 2008 must meet the rule of 87 (members age plus years of service credit must equal 87, and the member must be a minimum of 57 years of age) or the member is age 65, with a minimum of 60 months service credit.

Historical trend information showing the CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The Livingston County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the County Clerk's deposits may not be returned. The Livingston County Clerk does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2009, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Christopher Lasher, Livingston County Judge/Executive
The Honorable Carroll Walker, Livingston County Clerk
Members of the Livingston County Fiscal Court

**Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards**

We have audited the statement of revenues, expenditures, and excess fees - regulatory basis of the Livingston County Clerk for the year ended December 31, 2009, and have issued our report thereon dated August 6, 2010. The County Clerk's financial statement is prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Livingston County Clerk's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the County Clerk's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the County Clerk's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above. However, we identified a certain deficiency in internal control over financial reporting, described in the accompanying comments and recommendations as item 2009-02 that we consider to be a significant deficiency in internal control over financial reporting. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Livingston County Clerk's financial statement for the year ended December 31, 2009, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance or other matters that is required to be reported under Government Auditing Standards and which is described in the accompanying comments and recommendations as item 2009-01.

This report is intended solely for the information and use of management, the Livingston County Fiscal Court, others within the entity, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crit Luallen', written in a cursive style.

Crit Luallen
Auditor of Public Accounts

August 6, 2010

COMMENTS AND RECOMMENDATIONS

LIVINGSTON COUNTY
CARROLL WALKER, COUNTY CLERK
COMMENTS AND RECOMMENDATIONS

For The Year Ended December 31, 2009

STATE LAWS AND REGULATIONS

2009-01 The County Clerk Did Not Close Out 2008 Fees As Determined By Audit

At the completion of the County Clerk's audit for 2008 fees, the Livingston County Fiscal Court was due \$6,137 in additional excess fees. These additional excess fees were largely due to 2009 payroll expenditures paid from the 2008 fee account. The remainder of this balance was the result of interest earned on the 2008 fee account after the close of the 2008 calendar year, along with payments on account associated with 2008 fees. At the completion of the 2008 audit, it was recommended to the County Clerk that the 2008 fee account be reimbursed for 2009 payroll expenditures totaling \$5,695, and excess fees totaling \$6,137 be turned over to the county treasurer. While performing follow-up procedures during the 2009 fee audit, auditors noted that the County Clerk distributed the accrued interest and payments on account for 2008 fees to the Fiscal Court. However, auditors were unable to find documentation where the 2009 payroll expenditures were refunded to the 2008 fee account or turned over to the Fiscal Court as additional excess fees.

According to KRS 64.820, "The fiscal court shall collect any amount due the county from county officials as determined by the audit..." . Given the fact that the County Clerk did not properly close out his 2008 fees by collecting the amount due from the 2009 fee account and turning these additional excess fees over to the county treasurer, the County Clerk is in non-compliance with KRS 64.820. Due to the fact that the amount in question (\$5,695) was turned over to the fiscal court as excess fees for 2009, the fiscal court has received all excess fees associated with calendar year 2008. However, those excess fees were not turned over in the proper year. In the future, we recommend the County Clerk comply with KRS 64.820 by closing out his fee account as determined by his audit.

County Clerk's Response: The County Clerk did not respond.

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY

2009-02 The County Clerk's Office Lacks Adequate Segregation Of Duties

The Livingston County Clerk's office has a lack of adequate segregation of duties. Due to a limited number of staff and the diversity of operations, the County Clerk and deputies are required to perform multiple tasks such as the collection of cash from customers, daily checkout procedures, deposit preparation, bookkeeping, check preparation, and the preparation of weekly or monthly reports.

Segregation of duties over these tasks or the implementation of compensating controls when limited by the number of staff is essential for providing protection from asset misappropriation and helping prevent inaccurate financial reporting. Additionally, proper segregation of duties protects employees in the normal course of performing their daily responsibilities.

LIVINGSTON COUNTY
CARROLL WALKER, COUNTY CLERK
COMMENTS AND RECOMMENDATIONS
For The Year Ended December 31, 2009
(Continued)

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY (Continued)

2009-2 The County Clerk's Office Lacks Adequate Segregation Of Duties (Continued)

To adequately protect against the misappropriation of assets, we recommend the County Clerk segregate the duties noted above by assigning different deputies the responsibilities of performing these functions. Also, deputies should be cross-trained to allow accounting functions to be rotated between the deputies on a timetable set by the County Clerk. For those duties that cannot be segregated due to a limited number of staff, then strong management oversight should be provided to the employee or employees responsible for these duties. This oversight should include reviewing daily checkout procedures and comparison to daily deposits. It should also include a review of weekly and monthly reports and comparison to receipts and disbursements ledgers. Documentation, such as the County Clerk's initials or signature, should be provided on those items that have been reviewed.

County Clerk's Response: The County Clerk did not respond.

